

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MODESTA JACINTO,
Plaintiff,

v.

DITECH FINANCIAL LLC; WELLS
FARGO BANK, N.A.; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; NATIONAL DEFAULT
SERVICING CORPORATION;
Defendants.

Case No. [16-cv-02815-MMC](#)

**ORDER TO SHOW CAUSE;
VACATING HEARING ON MOTION TO
DISMISS**

Before the Court is the “Motion to Dismiss First Amended Complaint,” filed July 12, 2016, by defendants Ditech Financial LLC and Mortgage Electronic Registration Systems, Inc.,¹ and noticed for hearing on September 2, 2016.

On August 10, 2016, plaintiff Modesta Jacinto filed opposition thereto. As defendants point out in their reply, however, plaintiff’s opposition is untimely, having been filed almost a full month after the filing date of defendants’ motion. See Civil L.R. 7-3(a) (providing “opposition must be filed and served not more than 14 days after the motion was filed”).


Accordingly, the hearing on defendants’ Motion to Dismiss is hereby VACATED and plaintiff is hereby Ordered to Show Cause, in writing and no later than September 7,

¹ On April 28, 2016, defendant National Default Servicing Corporation filed a Declaration of Non-Monetary Status, by which it agreed to be bound by any non-monetary order or judgment, and, on May 26, 2016, pursuant to stipulation, defendant Wells Fargo Bank, N.A. was dismissed from the action.

2016, why the opposition should not be stricken.

IT IS SO ORDERED.

Dated: August 24, 2016


MAXINE M. CHESNEY
United States District Judge

United States District Court
Northern District of California